

NO: 11-16109

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

VIVIAN FIORI, AKA Viviam Fiori Ariza; ROGGIE TRUJILLO

Plaintiffs-Appellees

vs.

DELL, INC, et al.
Defendants-Appellees,

MARGARET MUNOZ and CERY PERLE

Objectors-Appellants

From the United States District Court
for the Northern District of California
No. 5:09-cv-01518-JW

Motion of Margaret Munoz and Cery Perle for An Extension of Time to File
Opening Brief; Request for Permission to File Late Request; Memorandum of
Points and Authorities; Declaration of J. Darrell Palmer

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Memorandum of Points and Authorities

For good cause shown, the Court may grant an extension of time to file a Opening Brief. (Fed. R. App. P. 26(b), Circuit R. 31-2.2).

Petitioners Margaret Munoz and Cery Perle request a thirty-day extension to file their opening brief and request permission to file a late request. All parties have been informed of this request. Plaintiffs/Appellees have indicated that they will respond to the motion after review of the same. The opening brief is due on Thursday, August 4, 2011. If the extension is granted the opening brief will be due on September 6, 2011.

As demonstrated by the attached declaration of J. Darrell Palmer, good cause exists for granting the extension.

Dated: August 4, 2011

Law Offices of Darrell Palmer

/s/ J. Darrell Palmer_____

J. Darrell Palmer

Attorney for Appellants Margaret Munoz
and Cery Perle

DECLARATION BY J. DARRELL PALMER

I, J. Darrell Palmer, declare that:

1. I am attorney licensed to practice before all the Courts of the State of California, the United States District Court for the Northern District, and my application for admission is pending with the U. S. Court of Appeals for the Ninth Circuit. I have personal knowledge of the facts as set forth herein and if called upon to testify, could competently do so.

2. This Declaration is made in support of the movants' request for an order extending the time to file their opening brief to September 6, 2011, and permission to file a late request.

3. I informed all attorneys in the case about my intent to request the extension. Plaintiffs/Appellees have indicated that they will respond to the motion after review of the same.

4. This extension request is necessitated due to my unavailability as a result of (1) preparing for and attending a two-day mediation in another matter, (2) preparing and filing appellate briefs in two other matters, (3) preparing four other appellate opening briefs which are due within the next two weeks, (4) I will be filing a notice of appeal regarding the recently signed attorneys' fees order and will then be filing a motion for consolidation, and (5) press of other business.

5. The court reporter is not in default with regard to any designated transcripts.

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct. Executed this 4th day of August 2011, at Solana Beach, California.

/s/ J. Darrell Palmer

J. Darrell Palmer

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on August 4, 2011.

I certify that all parties in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ J. Darrell Palmer

J. Darrell Palmer